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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TEOFIL BRANK,
aka "Jarec Wentworth,"
aka "@JarecWentworth,"

Defendant.

CR No. 15-131(A)-JFW

DECLARATION OF AGENT JONATHAN
BAUMAN IN SUPPORT OF GOVERNMENT'S
OPPOSITION TO DEFENDANT'S MOTION
IN LIMINE TO EXCLUDE EVIDENCE OF
TWEET OR RE-TWEET POST ON TWITTER
(DKT NO. 59)

Hearing Date: June 26, 2015
Hearing Time: 9:00 a.m.
Location: Courtroom of the
Hon. John F. Walter

Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of
California and Assistant United States Attorneys Kimberly D. Jaimez
and Eddie A. Jauregui submit this declaration on behalf of Special
Agent Jonathan Bauman in Support of Government's Opposition to

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1 Defendant's Motion in Limine to Exclude Evidence of Tweet or Re-Tweet
2 Post on Twitter (Dkt No. 59) originally filed on April 30, 2015.

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5 Dated: June 19, 2015

Respectfully submitted,

6 STEPHANIE YONEKURA
Acting United States Attorney

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8 ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

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10 /s/
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11 EDDIE A. JAUREGUI
Assistant United States Attorneys

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13 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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1 DECLARATION OF JONATHAN H. BAUMAN

2 I, Jonathan H. Bauman, declare as follows:

3 1. I am a Special Agent ("SA") with the Federal Bureau of
4 Investigation ("FBI"). I have been employed as a Special Agent for
5 approximately 17 years.

6 2. Since December of 2013, I have been assigned to a squad
7 specializing in the investigation of Violent Crimes, to include but
8 not limited to, Extortion, Bank Robbery, Kidnapping, and Assaults on
9 Federal Officers. Since being assigned to the squad I have served as
10 the case agent, or have assisted, in the investigation of numerous
11 extortions. Such investigations have involved social media.

12 3. I have knowledge of the facts set forth herein and could
13 and would testify to those facts fully and truthfully if called and
14 sworn as a witness.

15 4. I am familiar with the investigation of the extortion case
16 of United States v. Teofil Brank, CR No. 15-131(A)-JFW. I am aware
17 of text messages sent by defendant TEOFIL BRANK, also known as "Jarec
18 Wentworth," ("defendant") to Victim, which referenced defendant's
19 Twitter account that was maintained under the username
20 @JarecWentworth (the "SUBJECT ACCOUNT"). In particular, I am aware
21 of one particular text message sent to the Victim from defendant's
22 phone on February 16, 2015, which stated: "Check my twitter, the
23 conversation will grown [sic] and questions will be asked. You lied
24 to me and treated me like Shit. I asked again and you put it behind
25 you. Now it's biting your ass."

26 5. Based on my conversations with the Victim about this case,
27 I understand that after receiving defendant's text message, the
28 Victim asked a friend of his, Justin Griggs, to check defendant's

1 social media accounts on February 16, 2015 for any posts regarding
2 Victim. Griggs checked the SUBJECT ACCOUNT and reported to the Victim
3 that defendant had posted on defendant's SUBJECT ACCOUNT something to
4 the effect of "Does anyone know a guy name [Victim's name]?"
5 (hereinafter, the "Tweet").

6 6. On or about March 11, 2015, my team served a preservation
7 notice on Twitter with respect to the SUBJECT ACCOUNT ordering that
8 all material be archived as of that date.

9 7. On or about June 5, 2015 and June 10, 2015, my team served
10 Twitter, Inc., a social-networking company and provider of electronic
11 communication and remote computing services ("Twitter"), with a
12 search warrant for information associated with the SUBJECT ACCOUNT.
13 Among other things, the search warrant requested all tweets posted by
14 the user of the SUBJECT ACCOUNT to the extent still stored in
15 Twitter's databases.

16 8. On June 11, 2015, Twitter provided a return to the search
17 warrant, which confirmed that the SUBJECT ACCOUNT was created on
18 February 27, 2014 with the email "jarecwentworth@gmail.com" and the
19 screen name Jarec Wentworth. See Exhibit 1. During my investigation,
20 I have reviewed emails between the Victim and defendant using email
21 account "jarecwentworth@gmail.com." Defendant's previous use of
22 "jarecwentworth@gmail.com" coupled with the use of the email account
23 to create the SUBJECT ACCOUNT reinforces my belief that the defendant
24 created and managed the SUBJECT ACCOUNT.

25 9. In addition, various tweets in the return (i.e., Twitter's
26 production pursuant to the search warrant) further reinforced my
27 belief that defendant managed the SUBJECT ACCOUNT including the
28 following:

1 a. A few Romanian phrases were posted in the tweets. I
2 know from my investigation in this case that defendant is Romanian.
3 Specifically, on February 11, 2015, @jarecwentworth tweeted "Te
4 iubesc" which means "I love you" in Romanian. Defendant uses the
5 same phrase throughout his Metropolitan Detention Center ("MDC")
6 emails associated with defendant's personal access code at MDC.
7 Compare Exhibit 2 (tweet, No. 206) with Exhibit 3 (MDC Email).

8 b. On February 11, 2015, defendant tweeted, "I feel as
9 though I met my lover of my past life. Nothing can explain this
10 feeling, and now we part. I will see you once more my love." In
11 defendant's MDC emails defendant acknowledges this particular tweet
12 from the SUBJECT ACCOUNT and attempts to explain it. Compare Exhibit
13 2 (tweet) with Exhibit 4 (MDC Email, Bates 8673-8674). Specifically,
14 when the tweet is mentioned in an email to defendant from someone
15 named Michael Hattig, defendant tells Hattig: "that last tweet was
16 just me connecting spiritly [sic] with another. it was a beautiful
17 moment we shared. but that was it lol." (Ex. 4.) Hattig also
18 provides defendant with an update on how many Twitter followers
19 defendant has. (Id.)

20 c. Many of the tweets from the SUBJCT ACCOUNT are from an
21 android device, including tweets 205 and 206 noted in Exhibit 2.
22 Defendant's phone used for much of the extortion was a Samsung phone
23 that operated with android software.

24 d. Many of the photos from the SUBJECT ACCOUNT were
25 "selfies" of defendant, i.e., pictures taken by defendant himself.
26 See Exhibit 6. Based on my training and experience, account users
27 will often post pictures of themselves in the form of "selfies" on
28 their social media accounts.

1 e. The date of birth noted on profile of the SUBJECT
2 ACCOUNT corresponds to defendant's birth-date, i.e., [REDACTED],
3 as evidenced by a screenshot of the SUBJECT ACCOUNT from the internet
4 attached hereto as Exhibit 5. Additionally, defendant posted a tweet
5 on the SUBJECT ACCOUNT on February 10, 2015, asking followers who had
6 wished "Jarec Wentworth" happy birthday: "Lol What's with the
7 birthday wishes. I was in October smh."

8 10. The search warrant return from Twitter included various
9 tweets as noted above, but no tweets from February 16, 2015, which
10 the date defendant had posted the Tweet that he texted the Victim
11 (referenced above) about and that Griggs viewed.

12 11. Because several witnesses, including the Victim and Justin
13 Griggs, have confirmed that the Tweet did appear on the SUBJECT
14 ACCOUNT on or about February 16, 2015, and because it no longer
15 appears, I have concluded the Tweet was deleted.

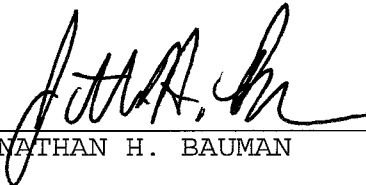
16 12. The Tweet was not included in the Twitter return, despite
17 our request for preservation. Based on my review of Twitter policy,
18 I understand that tweets deleted by users are generally not preserved
19 or archived on Twitter's servers. See
20 <https://support.twitter.com/articles/41949#>.

21 //

22 //

1 13. Because Twitter does not generally archive deleted tweets,
2 the original Tweet in question is no longer available and the only
3 available evidence of the Tweet is (1) the "re-tweet" of the Tweet
4 posted on the Twitter page of a website called Str8supgayporn.com,
5 (2) testimony by the Victim about the Tweet, and (3) testimony about
6 the tweet from Justin Griggs, who observed the original February 16,
7 2015 tweet on the date it posted.

8 I declare under penalty of perjury under the laws of the United
9 States of America that the foregoing is true and correct and that
10 this declaration is executed at Los Angeles, California, on June 18,
11 2015.

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JONATHAN H. BAUMAN